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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,507	07/25/2001	Franck Savard	33354	8685

116 7590 06/06/2003

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EXAMINER

CHARLES, MARCUS

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,507

Applicant(s)

SAVARD, FRANCK

Examiner

Marcus Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first action relating to serial application number 09/763,507. Filed 07-25-2001.

Claims 1-12 are currently pending.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The draftsman has approved the drawing filed with this application as formal drawing.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "crankcase" as in claim 12, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

Abstract

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because the phrase "The subject matter of the invention relates to a" is a phrase which can be implied. It is suggested to replace the phrase with --A--. In addition, in lines 6 and 8, the legal phraseology "said" should be changed to --the--. In the last line, delete "FIGURE 1". Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities: the following subtitles are missing from the disclosure;

(a) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(b) BRIEF SUMMARY OF THE INVENTION.

(c) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(d) DETAILED DESCRIPTION OF THE INVENTION.

In addition, in pages 2, 3-4, the legal phraseology "said" should be --the--.

It is unclear as to the difference between the deformable guiding derailleur parallelogram and the guiding derailleur. The reference 32 is used to depict both the deformable guiding derailleur parallelogram and the guiding derailleur and it is unclear as to how to differential between the two.

In page 6, lines 30-31, the phrase "kind of pronounce S" is unclear and confusing.

In page 5, line 14 it is not clear how the flange can be disposed essentially vis-a-vis of the other flange and it is unclear how the flange can be positioned variable along a line.

7. The specification is objected to as failing to provide proper antecedent basis for "complementary lateral guiding/derailleur means" as in claim 7, "complementary lateral pression means" as in claim 8, and the flange is positioned translationally variable" as in claim 9. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim Objections

8. Claims 1 is objected to because of the following informalities: In claim 1, line 7, "the" should be --an-- before "anti-clockwise". Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the phrase "in particular " renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). In addition, in line 3, it is to clear as to what combination is "the combination referring to. Furthermore, in line 5, it is not clear if it is referring to the rear derailleur, the bicycle or the front derailleur.

In claim 11, it is not clear as to what is considered as the deformable

parallelogram and the guiding /derailleur means. In addition, it is not clear as to what reference 104 depicts.

In claim 5, it is not clear as to what "downstream" is referring to. In addition, it is not clear as to what is being referred to as "it" and "its".

In claim 9, it is not clear as to how the flange can be mounted translationally variable.

In claim 10, it is unclear as to what is being referred to as the guiding means.

11. Regarding claims 7 and 8, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

13. Claims 1-2 and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by Oka(5,904,629). Oka discloses a rear derailleur for a bicycle comprising a rotatable base (2) having a return spring (14) forcing the base in an anticlockwise direction, a guiding means (3) fixedly connected to the base and a moveable tension plate fixedly connected to the guiding means.

In claim 2, the moveable comprises a supporting arm (5), a tension arm (6),

a first and second roller (61, 62) rotatable at the ends of the tension arm, a spring (13) for biasing the tension arm.

In claim 10, note the connection means (W) between the tension plate and the guiding means.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 3, as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Oka in view of Juy(3,111,885). Oka does not disclose the tension is supported pivotally about the center of the tension arm. Juy discloses a tension arm supported pivotally at the center in order to facilitate easy and accurate adjustments of the chainline and to allow free angular displacement of the arm. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the derailleur of Oka so that the tension arm is pivotally supported at the center in view of Juy in order to facilitate easy and accurate adjustments of the chainline and to allow free angular displacement of the arm.

16. Claim 5, as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Oka in view of Nakamura(4,637,808, applicant's prior art). Oka does not disclose a guide roller in alignment with the tension plate. Nakamura discloses a guide roller (24) in alignment with the tension plate in order to prevent the chain from

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sagging. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tension plate to include a guide roller in view of Nakamura in order to prevent the chain from sagging.

17. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oka in view of Savard(6,135,903, applicant's prior art). Oka does not disclose a crankcase. Savard discloses a crankcase (140) encasing a derailleur and chain set transmission in order to protect the transmission from dirt, water and other particles that might impede the good operation of the transmission (col.1, line 65-col.2, line 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Oka device to include a crankcase in view of Savard in order to protect the transmission from dirt, water and other particles that might impede the good operation of the transmission.

Allowable Subject Matter

18. Claims 6-9 and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Steinberg et al.(5,466,194), Nagano(4,610,644) and Ichida(5,931,753) disclose a rear derailleur with a tension arm and a rotatable base. Maeda(3,364,762), JP(64-12989) and EP(0 657 345) disclose a rear derailleur with a tension arm pivotally supported essentially at the center.

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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


Marcus Charles
Primary Examiner
Art Unit 3682
May 5, 2003